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Inventor Abbink

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Examiner: Connolly, Patrick J

Title: Interferometer



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Office Action

Responsive to the communication from the Office mailed 1/5/2005, Applicant submits the following in complete response thereto, and requests reconsideration of the Claims presented.

Replacement Section

Applicant encloses herewith a replacement section showing amendments to the claims. The only change from that in the Amendment mailed by Applicant 12/10/2004 is that the text of withdrawn claim 41 is present in the replacement section.

Status of the Application

The Office's communication referred to an amendment by Applicant purported to have been filed on 12/15/2004, and a "prior Notice of Noncompliant Amendment ... mailed ____." The Office did not supply a mailing date for the purported "prior Notice." Applicant has no record of any prior Notice of Noncompliant Amendment. Further, Applicant's recent amendment was filed on 12/10/2004, not 12/15/2004, and was in response to an Office Action on the merits, not a Notice of Noncompliant Amendment. Accordingly, Applicant submits that the proper communication from the Office was to issue a Notice of Noncompliant Amendment, and that the earliest that such a Notice could have been mailed is 12/11/2004 (the day after Applicant mailed the amendment). Accordingly, the present communication is still within the time period for such notice, if it was actually sent. Applicant attempted to contact the Victoria Brown at 571-272-1557 by phone on 1/10/2005 and 1/11/2005, and Examiner Connolly at 571-271-2412, immediately after first receiving the communication mailed 1/5/2005, but was only able to leave messages on the voice mail system.

Respectfully submitted,

V. Gerald Grafe

Registration Number: 42,599

General Counsel

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JAN 11, 2005
date

Certificate of Mailing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450; Alexandria VA 22313-1450.

JAN 11, 2005
date

name